



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 128] Srinagar, Thu., the 22nd Oct., 2015/30th Asv., 1937. [No. 30

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PART I-A

Jammu & Kashmir Government—Orders.

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Corrigendum

No. 2 Dated 25-06-2015.

Please read JK-359/13 instead JK-360/13 in Notification No. 395 dated 04-09-2013 issued in favour of Mr. Ashfaq Hussian Wani S/o Mr. Mohd Akbar Wani R/o Wagoora, Baramulla.

Notification

No. 271 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Waheed Ahmad S/o Mr. Gh. Mohi-ud-Din Shah R/o Manzgam, Brain, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-306/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 272 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Ms. Rufaida Majeed D/o Mr. Abdul Majeed Khan R/o Mirza Bagh, Daulatabad, Khanyar, Mirza Bagh, Srinagar has been admitted and enrolled

as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-297/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 273 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Sanjeev Raja S/o Sh. Anant Ram R/o Bokhri, Tehsil R. S. Pura, District Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-255/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 274 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Zaffar Hamid Wani S/o Mr. Hamidullah Wani R/o Zazri Pora, Wani Mohalla, Kulgam has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-293/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 275 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Ms. Rumisa Majid D/o Mr. Abdul Majid Sheikh R/o Dewan Bagh, Qadeem, Jail Road, Baramulla has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-290/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 276 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Manik Wazir S/o Sh. Jag Mohan Wazir R/o Sardbag, Bhaderwah A/P Lane No. 8, H. No. 3, Tawi Vihar Colony, Sidhra, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-312/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 277 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Sheikh Imran Shafi S/o Mr. Sheikh Mohd. Shafi R/o Kirmani Colony, Drangbal, Baramulla has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of

one year from the date of issuance of this notification. His name has been entered under Serial No. JK-269/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 278 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Amandeep Singh Khajuria S/o Sh. Parlad Singh R/o H. No. 216, Warehouse, Bikram Chowk, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-281/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 279 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Vinayak Phull S/o Sh. Vijay Kumar Phull R/o Ward No. 5, Kalka Temple, Poonch A/P 15-C, Govt. Qtr., Gandhi Nagar, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-260/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 280 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Ms. Iqra Amin D/o Mr. Mohammad Amin R/o Azad Basti, Green Lane, Natipora, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-296/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 281 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Ms. Nuzhat Hassan D/o Mr. Gh. Hassan Khan R/o Khadinyar, Rather Mohalla, Baramulla has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-303/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 282 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Ms. Shazia Rashid Bhat D/o Mr. Abdul Rashid Bhat R/o Kadalfal, Pampore, Near Police Station, District Pulwama has been admitted and enrolled as

an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-310/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 283 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Suresh Kumar Dogra S/o Lt. Shri Des Raj Dogra R/o H. No. 27/F, Raghunath Pura, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-301/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 284 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Javeed Ahmad Khan S/o Mr. Gh. Rasool Khan R/o Awoora Mohalla, Khan Mohalla, Tehsil and District Kupwara has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-299/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 285 Dated 16-07-2015.

It is hereby notified that vide High Court Order dated 08-07-2015 Mr. Hilal Ahmad Dar S/o Mr. Abdul Rashid Dar R/o Umer Colony, Kralhar Kanipora, Baramulla has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-283/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

(Sd.) G. M. PARRAY,

Joint Registrar (Adm.).



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PART I—B

Jammu and Kashmir Government—Notifications.

JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION,
SOLINA, SRINAGAR.

Subject :— Assistant Director (Statistics-cum-Evaluation) Written
Examination, 2013-Option regarding appearing in General
Economics Paper (Compulsory).

Notification No. PSC/Exam/2015/29

Dated 03-09-2015.

Whereas, vide Notification No. PSC/Exam/95/2014
dated 30-12-2014 read with notice dated 12-03-2015, the written

examination for the posts of Assistant Director, Statistics-cum-Evaluation Examination, 2013 was conducted from 10-02-2015 to 29-03-2015 ; and

Whereas, the compulsory paper of General Economics of Assistant Director, Statistics-cum-Evaluation Examination, 2013 was conducted on 29-03-2015 at Jammu and Srinagar Centres respectively ; and

Whereas, after the conclusion of the examination of the said paper, a majority of the candidates approached the Commission through various representations stating therein that the paper has not been framed as per the prescribed syllabus and requested to re-conduct the said paper ; and

Whereas, the representations of the candidates were examined and considered in the Commission in pursuance of Rule 12-A of J&K Public Service Commission (Conduct of Examination) Rules, 2005 and it was decided to cancel the said paper and conduct afresh examination in the said paper and was accordingly notified vide Notification No. PSC/Exam/25/2015 dated 21-08-2015 ; and

Whereas, after issuing the said notification, a number of representations were made by a section of candidates that their earlier paper may be considered for evaluation ; and

Whereas, the representations of these candidates were again examined and the Commission in its meeting dated 02-09-2015, after considering the matter, has decided to obtain option from the candidates whether they would like reexamination in this paper (General Economics) or would like to be evaluated on the basis of examination in the said paper held on 29-03-2015.

Therefore, in view of the above, it is hereby notified that those of the candidates, who wish to take the examination of the referred to paper afresh may do so, and those who want that the Commission

may consider their earlier paper for evaluation may give their option in writing to Secretary and Controller of Examinations, J&K Public Service Commission, Solina Srinagar/Resham Ghar Colony, Bakshi Nagar, Jammu.

(Sd.) SHAKEEL-UL-REHMAN,

Secretary and Controller of Examinations,
J&K Public Service Commission.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT
(Services Section)

Subject :—Reconstitution of the Establishment-cum-Selection Committee.

Government Order No. 1299-GAD of 2015

Dated 24-09-3015.

In supersession of all the previous Government Orders, issued on the subject, sanction is hereby accorded to the reconstitution of the Establishment-cum-Selection Committee as under :—

1. Mr. B. R. Sharma, IAS, : Chairman
Chief Secretary, J&K

2. Mr. B. B. Vyas, IAS, : Member
Principal Secretary to
the Chief Minister
3. Mr. Rakesh Kumar : Member
Gupta, IAS, Principal
Secretary to the
Government, Department
of Forest, Environment
and Ecology
4. Mr. Navin Kumar : Member
Choudhary, IAS,
Commissioner/Secretary
to the Government,
Finance Department
5. Mr. Gazzanfer Hussain : Member-Secretary
IAS, Commissioner/
Secretary to the
Government, General
Administration
Department
6. Mr. Mohammad Ashraf : Member
Mir, Secretary to the
Government, Department
of Law, Justice and
Parliamentary Affairs

The Secretary of the Administrative Department to which the case pertains shall be co-opted as a Special Invitee.

The terms of reference of the Establishment-cum-Selection Committee and the procedure to be adopted by it, while making the

selection for the posts within its purview, shall remain the same as contained in Government Order No. 1488-GAD of 2011 dated 26-12-2011.

By order of the Government of Jammu and Kashmir.

(Sd.) IMTEEAZ KACHO,

Under Secretary to the Government.

GOVERNMENT OF JAMMU AND KASHMIR,
HOME DEPARTMENT.

Subject :— Award of Sher-i-Kashmir Police Medal for Meritorious Service to Police Officers/Officials on the occasion of the Independence Day, 2015.

Government Order No. 345-Home of 2015

Dated 14-08-2015.

Sanction is hereby accorded to the award of Sher-i-Kashmir Police Medal for Meritorious Service to the following officers/officials of the Police Department on the occasion of the Independence Day, 2015 :—

S. No. Name of officer/official

1	2
	S/Shri
1.	Yoginder Kaul, IPS (SPS-94), Inspector General of Police, IRP, Jammu.

1

2

-
2. Nisar Ahmed, IPS (SPS-99),
Deputy Inspector General of
Police, Doda-Kishtwar-Ramban, Hq., Batote.
 3. Laeeq Ahmed Dar, Chief Prosecuting Officer,
Security Headquarters, J&K.
 4. Parvez Ahmad Dar, Dy. SP, SDPO, Awantipora.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Principal Secretary to Government,
Home Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT

(Administration Section)

Subject :—Appointment of Vice Chairperson, the J&K State Advisory
Board for Development of Scheduled Castes.

Government Order No. 1089-GAD of 2015

Dated 12-08-2015.

Mr. Bhushan Lal Dogra S/o Late Mr. Gian Chand R/o R. S. Pura,
Jammu, is hereby appointed as Vice-Chairperson, the J&K State

Advisory Board for Development of Scheduled Castes, with the status of a Minister of State.

By order of the Government of Jammu and Kashmir.

(Sd.) GAZZANFER HUSSAIN,

Commission/Secretary to the Government.

GOVERNMENT OF JAMMU AND KASHMIR,
HOME DEPARTMENT.

Subject :— Promotion of Dr. B. Srinivas, IPS (JK:90) to the grade of Additional Director General of Police (ADGP), Higher Administrative Grade (HAG) Rs. 67,000-79,000/-.

Reference :— Cabinet Decision No. 72/08/2015 dated 19-08-2015.

Government Order No. 354-Home of 2015

Dated 19-08-2015.

Sanction is hereby accorded to the promotion of Dr. B. Srinivas, IPS (JK:90) to the grade of Additional Director General of Police (ADGP), Higher Administrative Grade (HAG) Rs. 67,000-79,000/- w. e. f. 01-01-2015.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Principal Secretary to Government,
Home Department.

GOVERNMENT OF JAMMU AND KASHMIR,
HOME DEPARTMENT.

Subject :—Promotion of Mr. S. K. Mishra, IPS (JK:85) to the grade of
Director General of Police (DGP) Rs. 75,500-80,000/-.

Reference :— Cabinet Decision No. 71/08/2015 dated 19-08-2015.

Government Order No. 353-Home of 2015

Dated 19-08-2015.

Sanction is hereby accorded to the promotion of
Mr. S. K. Mishra, IPS (JK:85) to the grade of DGP (Pay Scale of
Rs.75,500-80,000/-) w. e. f. 11-05-2015 i. e. from the date, he has joined the
State Cadre, against the vacancy of Special DG, Coordination, PHQ which
is declared equivalent in rank and status of DGP.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Principal Secretary to Government,
Home Department.



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PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In pursuance to Government Order No. 218-FST of 2015 dated 21-08-2015 issued under endorsement No. FST/Ser/Transfer/15/2010-II dated 21-08-2015, wer the undersignd do hereby handover and takeover the charge of Member-Secretary, J&K State Pollution Control Board today on 27-08-2015 (A. N.)

(Sd.) JAVED IQBAL PUNJOO, IFS,

Relieved Officer.

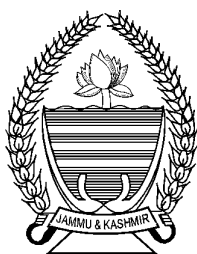
(Sd.) VASU YADAV, IFS,

Relieving Officer.

In compliance to Government Order No. 384-Home of 2015 dated 03-09-2015, the undersigned does hereby assume the charge of the Office of Director General of Police, Prisons on 04-09-2015.

(Sd.) S. K. MISHRA, IPS,

Director General of Police,
Prisons, J&K, Srinagar.



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PART II—B

Notifications, Notices and Orders by the Heads of Departments.

—————
Notice

I, Rajeswar Kumar Mahato S/o Late Shri Ram Dass Mahato R/o Near KV No. 1, Akhnoor, that my correct name is Rajeshwar Kumar Mahato and my son name is Neeraj Kumar Mahato. But erroneously school records of my son name Neeraj Kumar S/o Rajeshwar Kumar instead of Neeraj Kumar Mahato S/o Rajeshwar Kumar Mahato. Objection, if any, may be conveyed to the concerned authority within seven days from the date of publication of this notice.

—————

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER
(COLLECTOR, LAND ACQUISITION),
HANDWARA.

Subject :— Acquisition of additional land for construction of Handwara-
Lach-Nowgam Road.

Notification

In exercise of the powers vested in me under sub-section (1) of section 4 of State Land Acquisition Act, Svt. 1990, I, Additional Deputy Commissioner (Collector, Land Acquisition), Handwara do hereby notify that the land, particulars of which are given below, is likely to be needed for public purpose namely Handwara-Lach-Nowgam Road.

District	Tehsil	Village	Khasra No.	Area already notified	Additional land notified
				K. M.	K. M.
Kupwara	Handwara	Kargam	359 Min	00-05	00-04

Any objection with regard to acquisition of the above said land, will be received by the undersigned under sections 5&5-A of the Act within 15 (Fifteen) days from the publication of this notification in Government Gazette/local newspapers.

(Sd.)

Collector,
Additional Deputy Commissioner,
Handwara.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER), POONCH.

Notification No. 250/LA/P of 2015.

Whereas, the land whose specification is given below is required for construction of Dhundak Bridge at Village Dhundak under PWD (R&B), Tehsil Surankote, District Poonch ;

Specification of land

District	Tehsil	Village	Khasra Nos.	Area
Poonch	Surankote	Dhundak	338	K. M. S. 00-06-00
			382	05-15-00
			382 Min	01-00-00
			382 Min	00-12-00
			382 Min	00-07-00
			343	00-17-00
			382 Min	03-12-00
			Total	12-09-00

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition [Assistant Commissioner (Rev.)], Poonch vide his No. DCP/LA/111-19 dated 15-04-2015 ;

Whereas, the Collector, Land Acquisition [Assistant Commissioner (Rev.)], Poonch has recommended the case for issuance of notification

under section 6 and directions under section 7 of the Land Acquisition Act, Svt. 1990 vide his letter No. DCP/LA/174 dated 30-04-2015 ;

Whereas, the case comes within the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition [Assistant Commissioner (Rev.)], Poonch, that the land is required for public purpose viz. for construction of Dhundak Bridge at Village Dhundak under PWD (R&B) Division Poonch, Tehsil Surankote, District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition [Assistant Commissioner (Rev.)], Poonch is directed under section 7 of the said Act to take order for acquisition of the land which specifications are given above.

(Sd.)

District Collector,
Deputy Commissioner,
Poonch.



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ADVERTISEMENTS–C

POLICE HEADQUARTERS, J&K, SRINAGAR.

e-NIT No. 26 of 2015

Dated 01-10-2015.

For and on behalf of the Governor of Jammu and Kashmir State, e-Tenders are hereby invited from reputed registered and original manufacturers or fabricators of Bullet Resistant Vehicles to quote against this tender for bullet-proofing of 06 (Six) Nos. Toyota Camry (with protection levels-III & IV), (indicated in the detailed SBD and BoQs). The download of NIT shall start on 01-10-2015 at 1600 hours. Tenders shall be submitted online on J&K State e-Procurement Portal www.jktenders.gov.in before 27-10-2015 up to 1500 hours.

The tenders (technical bids only) will be opened online on 28-10-2015 at 1100 hours at Police Headquarters, Peer Bagh, Srinagar. In case of unforeseen circumstances, the date of opening will be next working day at the same time.

Detailed tender documents (SBD) with terms and conditions are available on J&K State e-Procurement Portal www.jktenders.gov.in.

(Sd.)

AIG (Provision/Transport)
For Director General of Police,
J&K, Srinagar.



رجسٹرڈ نمبر جے کے۔ 33

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 128 - سرٹیکل - مورخہ 22 اکتوبر 2015ء بمطابق 30 سونا 1937 - ویرہار نمبر 30

اشتہارات

از عدالت منصف جوڈیشل مجسٹریٹ درجہ اول ریاستی

سرکار بنام ستیش کمار وغیرہ

مثل نمبر 139 / چالان ، تاریخ دائرہ 06-09-2013

مقدمہ علت نمبر 21 سال 2013ء ، تھانہ پولیس ریاستی

بجرائم زیر دفعات : 341,323,34/RPC

وارنٹ گشتی عام زیر دفعہ 512 خف

حکم بنام : جملہ اہلکاران پولیس ریاست جموں و کشمیر

معاملہ مندرجہ عنوان اُلصدر میں ملزم بنو عرف..... ولد لعل من قوم..... ساکنہ
تولی تحصیل مہور ضلع ریاسی کے خلاف SPO صاحب نے چالان پیش کر کے استدعا
کی ہے کہ ملزم بعد ارتکاب جرم روپوش ہو چکا ہے اور مذکورہ کے سر دست دستیابی کی کوئی
امید نہ ہے۔ اس نسبت بیان تفصیل کنندہ و I/O قلمبند کیا گیا۔ جس سے عدالت ہذا کو
اطمینان ہوا ہے کہ ملزم بعد ارتکاب جرم روپوش ہو چکا ہے اور مذکورہ کی حسب معمول
دستیابی عمل میں لائی جانی نہ ممکن ہے۔

لہذا جملہ اہلکاران پولیس ریاست جموں و کشمیر کو وارنٹ ہذا کی رو سے حکم و
اختیار دیا جاتا ہے کہ ملزم مذکورہ جہاں کہیں بھی اندر حدود ریاست جموں و کشمیر میں دستیاب ہو تو
مذکورہ کو گرفتار کر کے عدالت مجاز میں پیش کریں۔ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گا۔
وارنٹ ہذا آج مورخہ 31-07-2015 میرے دستخط و مہر عدالت سے جاری ہوا۔
دستخط : منصف جوڈیشل مجسٹریٹ درجہ اول ریاسی۔

از عدالت پیشل میونسپل موبائل جوڈیشل مجسٹریٹ درجہ اول جموں

سرکار بنام رچھپال سنگھ وغیرہ

مثل نمبر 151/ چالان، دائرہ 27-07-2015، فیصلہ رواں

علت نمبر 22 سال 2015ء، تھانہ پولیس گھروہ

بجرائم زیر دفعات : 4/25 A. Act, 376/506/34 RPC

وارنٹ گشتی عام زیر دفعہ 512 ضف

بخلاف ملزم : بلونت سنگھ ولد اڈکار سنگھ ساکنہ گاؤں برن پٹہ تحصیل بھلووال ضلع جموں
حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں آپکو تحریر کیا جاتا ہے کہ ملزم کو عرصہ سے طلب کیا جا رہا ہے۔ الا ملزم حاضر عدالت نہ آرہا ہے۔ اس نسبت تعمیل کنندہ کا بیان بھی قلمبند کیا گیا، تعمیل کنندہ کا بیان ہے کہ ملزم کو عدالت ہذا میں کافی تلاش کیا گیا اور وہ دستیاب نہ ہوا۔ بیان تعمیل کنندہ وضابطہ مثل سے پایا ہے کہ ملزم کی تعمیل بطریق معمول ہونی مشکل ہے۔ لہذا ملزم کے خلاف وارنٹ گشتی عام جاری کیا جاتا ہے اور اہلکاران پولیس ریاست جموں و کشمیر کو حکم دیا جاتا ہے کہ وہ ملزم کو اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہو گرفتار کر کے رو برو عدالت ہذا میں پیش کریں۔ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گا۔

آج مورخہ 27-07-2015 کو ہمارے دستخط و مہر عدالت سے

جاری ہوا۔

دستخط : سپیشل میونسپل موبائل جوڈیشل مجسٹریٹ درجہ اول جموں۔

از عدالت سب جج جوڈیشل مجسٹریٹ درجہ اول کٹڑہ

سرکار بنام ولد ارنگھ و غیرہ

علت نمبر 216 سال 2012ء تھانہ پولیس کٹڑہ

بجرائم زیر دفعات 48(a) Ex. Act/188 RPC

وارنٹ گشتی عام زیر دفعہ 512 ض ف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مثل نمبر 149 / چالان، تاریخ دائرہ 29-12-2012۔ جرائم بالا

میں ملزم تولہ سنگھ ولد بہادر سنگھ قوم راجپوت ساکنہ گراڈی تحصیل سرموئی ضلع درجولہ نیپال بعد ارتکاب جرم ملزم دیدہ دانستہ طور پر روپوش ہو چکا ہے۔ الا ملزم مذکور کی دستیابی سر دست ہونا نہ ممکن ہی نہیں بلکہ دشوار بھی ہے۔

لہذا اہلکاران پولیس ریاست جموں و کشمیر کو بذریعہ وارنٹ گشتی عام زیر دفعہ 512 ض ف حکم و اختیار دیا جاتا ہے کہ ملزم مذکور اندر حد و ریاست جموں و کشمیر جہاں کہیں اور جب بھی کبھی دستیاب ہو گرفتار کر کے عدالت ہذا میں پیش کریں۔ وارنٹ مجریہ دستیابی ملزم مذکور زیر کار رہے گا۔

آج مورخہ 04 جون 2015ء دستخط راقم و مہر عدالت سے

جاری ہوا ہے۔

دستخط : سب جج جوڈیشل مجسٹریٹ درجہ اول کٹڑہ۔

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EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 20th Aug., 2015/29th Srav., 1937. [No. 21-b

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Srinagar, the 20th August, 2015.

SRO-278.—In exercise of the powers conferred by section 5 of the Jammu and Kashmir Levy of Tolls Act, Samvat 1995 (Act No. VIII of 1995), the Government hereby grant post-facto exemption from payment of levy of Toll, leviable under the said Act in respect of goods/materials shown in “Annexure” to this notification, which were imported into the

State by the Manav Uthan Sewa Samiti, Regd. 2/12, East Punjab Bagh,
New Delhi for holding a Sadbawana Sammelan at M. A. Stadium, Jammu
on 2nd and 3rd of May, 2015.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,
Commissioner/Secretary to Government,
Finance Department.

Annexure to the Notification SRO-278 dated 20-08-2015.

S. No.	Name of item	Quantity (in Nos.)
1	2	3
1.	Fathey 4x6 for stage	100
2.	Base stage	300
3.	Cross stage	220
4.	Stand stage	60
5.	Chair Plastic	2000
6.	Sofa sets	30
7.	Table	200
8.	Pillars	100
9.	Bamboo	1000
10.	Rassi	Loose
11.	Tripal	45
12.	Pipes	1000
13.	Halogen Lamp (500 Watt.)	400
14.	Beam Par	50
15.	Kanaat	300
16.	Pardey	350
17.	Matt	500

4 The J&K Govt. Gazette, 20th Aug., 2015/29th Srav., 1937. [No. 21-b

1	2	3
18.	Dariyaan	100
19.	Ceiling Fans	10
20.	Cloth Loose	Loose

(Sd.) BHARAT SINGH, KAS,
Deputy Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Mon., the 24th Aug., 2015/2nd Bhad., 1937. [No. 21-d

Separate paging is given to this part in order that it may be filed as a
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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Srinagar, the 24th August, 2015.

SRO-280.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001, the Government after consulting the Administrator Auqaf Islamia, Jammu hereby publish Land measuring 01 Kanals 10 Marlas under Khasra No. 207 Min situated

2 The J&K Govt. Gazette, 24th Aug., 2015/2nd Bhad., 1937. [No. 21-d

in Village Badsoo, Tehsil and District Jammu, as Wakaf Property for the purpose of the Mosque and Madrassa.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD AFZAL, IAS,

Secretary to Government.
Revenue Department.

Annexure-II

Survey

S. No.	District	Tehsil	Village	Khasra Nos.	Area	Nature of Property	Remarks
					K. M. Sft.		
1.	Jammu	Jammu	Budsoo	207 Min	01—05—00	Mosque	
					00—05—00	Darasgah	
				Total	01—10—00		

(Sd.)
Special Officer, Auqaf,
J&K, Srinagar.

Annexure-I

Survey

فہرست جائیداد وقف واقع در موضع بدسوہ تحصیل جموں ضلع جموں ریاست جموں و کشمیر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
کیفیت	طریقہ	آمدنی سالانہ	آمدنی سالانہ	تخمیناً مالیت	اغراض و مقاصد	جائیداد و تقیرات	تفصیل درختان و تقیرات	قسم زمین	مربع فٹ	مرلہ	رقبہ بقید قسم	نمبر خسرہ	نام جائیداد وقف	نمبر شمار
	انتظام	پچیسے	روپے			درختان	تقیرات							سروے
	بذریعہ ایڈمنسٹریٹو اوقاف جموں	-	-	Rs. 1,00,000/-	عبادت تعلیم	-	-	غیر ممکن مسجد شریف غیر ممکن تعلیم درگاہ	-	5	1	207 من	مقبوضہ اہل اسلام	1

دستخط پٹواری اوقاف سروے کنندہ

دستخط کرا دار اوقاف پرتال کنندہ

دستخط سیشن آفیسر اوقاف تصدیق کنندہ



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Wed., the 26th Aug., 2015/4th Bhad., 1937. [No. 21-i

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Srinagar, the 26th August, 2015.

SRO-285.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001, the Government after consulting the Administrator Auqaf, Jammu hereby Publish/notify Land measuring 01 Kanal 01 Marlas under Khasra No. 343 Min “Ahli Islam”

2 The J&K Govt. Gazette, 26th Aug., 2015/4th Bhad., 1937. [No. 21-i

situated in Village Nagraha Tehsil and District Jammu, as Wakaf Property
for the Purpose of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD AFZAL, IAS,

Secretary to Government.
Revenue Department.

Annexure-II

Survey

S. No.	District	Tehsil	Village	Khasra Nos.	Area	Nature of Property	Remarks
					K. M. Sft.		
1.	Jammu	Jammu	Nagrada	343	01—01—00	Masjid Sharief	

(Sd.)
Special Officer, Auqaf,
J&K, Srinagar.

Annexure-I

Survey

فہرست جائیداد وقف واقع در موضع نگر اڈا تحصیل جموں ضلع جموں ریاست جموں و کشمیر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
کیفیت	طریقہ	آمدنی سالانہ	آبادی سالانہ	تخمیناً مالیت	غراض و مقاصد	تفصیل درختان و تعمیرات	تعمیرات	قسم زمین	مرغ ذف	مرلہ	رقبہ قیدم	نمبر شجرہ	نام جائیداد	نمبر شمار
	انتظام	پہلے	پہلے	جائیداد وقف	جائیداد وقف	درختان	تعمیرات	قسم زمین	مرغ ذف	مرلہ	رقبہ قیدم	نمبر شجرہ	نام جائیداد	نمبر شمار
	ایڈمنسٹریٹو	—	—	Rs. 10,000,00/-	عبادت	—	—	مسجد شریف	—	01	01	343 من	مقبوضہ اہل اسلام	1
	—	—	—	Rs. 10,000,00/-	—	—	—	—	—	01	01	تعداد قطعہ 1	میزان کل	

دستخط پٹواری اوقاف سروے کنندہ دستخط کردار اوقاف پٹنال کنندہ دستخط پٹنل آفیسر اوقاف تصدیق کنندہ



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Mon., the 31st Aug., 2015/9th Bhad., 1937. [No. 22-f

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Srinagar, the 31st August, 2015.

SRO-291.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001 (Act No. III of 2001), the Government after consulting the Administrator, Auqaf Islamia, Jammu hereby publish land measuring 170 Kanals 16 Marlas under Khasra

2 The J&K Govt. Gazette, 31st Aug., 2015/9th Bhad., 1937. [No. 22-f

No. 1417 Min situated at Village Barn, Tehsil and District Jammu, as Wakaf Property for the purpose of the Graveyard.

By order of the Government of Jammu and Kashmir.

(Sd.) MUHAMMAD AFZAL, IAS,

Secretary to Government.
Revenue Department.

Annexure-II

S. No.	District	Tehsil	Village	Khasra No.	Area	Nature of Property	Remarks
					K. M. Sft.		
1.	Jammu	Jammu	Barn	1417	170—16—00	Graveyard	
				Total	170—16—00		

(Sd.)
Special Officer, Auqaf,
J&K Government.

Annexure-I

Survey

فہرست جائیداد وقف واقع در موضع بران تحصیل جموں ضلع جموں ریاست جموں و کشمیر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
کیفیت	طریقہ	آمدنی سالانہ	آمدنی سالانہ	تخمیناً مالیت	اغراض و مقاصد	تفصیل درختان و تعمیرات	تفصیل درختان و تعمیرات	قسم زمین	رقبہ یقینہ قسم	رقبہ یقینہ قسم	رقبہ یقینہ قسم	نمبر خسرہ	نام جائیداد	نمبر شمار
	انتظام	روپے	پیسے	جائیداد وقف	جائیداد وقف	درختان	تعمیرات		مربع فٹ	مرلہ	کنال		وقف	سروے
	بذریعہ مقامی	—	—	Rs. 5,12,40,000/-	مدفن	—	—	غیر ممکن	—	16	170	1417	مقبوضہ اہل اسلام	1 بران
	اوقاف کمیٹی	—	—	Rs. 5,12,40,000/-	—	—	—	—	—	16	170	قطعہ 1	میزان	

دستخط پٹواری اوقاف سروے کنندہ
دستخط گرو در اوقاف پرتال کنندہ
دستخط سیشن آفیسر اوقاف تصدیق کنندہ



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Wed., the 16th Sept., 2015/25th Bhad., 1937. [No. 24-k

Separate paging is given to this part in order that it may be filed as a
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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Srinagar, the 16th September, 2015.

SRO-323.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001 (Act No. III of 2001), the Government, after consulting the Tehsil Auqaf Committee hereby publish land measuring 11 Kanals 07 Marlas comprising

2 The J&K Govt. Gazette, 16th Sept., 2015/25th Bhad., 1937. [No. 24-k

Khasra Nos. 420 min and 485, 4 Kanals 10 Marlas classified as Jamia Masjid with compound under Khasra No. 420 min and 06 Kanals 17 Marias classified as Banjer Land situated at Village Chadoora, Tehsil Chadoora and District Budgam, as Wakaf property for the purposes of practical use of local muslims.

By order of the Government of Jammu and Kashmir.

(Sd.) DHEERAJ GUPTA, IAS,

Secretary to Government.
Revenue Department.

Annexure-II

Survey Land Statement for Notification as J&K Wakaf Property

S. No.	District	Tehsil	Village	Khasra Nos.	Area	Nature of Property	Remarks
					K. M. Sft.		
1.	Budgam	Chadoora	Chadoora	420 min	04—10—00	Jamia Masjid with compound	
2.	do.	do.	do.	485	06—17—00	Banjer Land	
				Total	11—07—00		

The above land has been surveyed by the field staff and verified on spot under the provisions of J&K Wakaf Act, 1978 and has been declared as Wakaf property under section “5” of the said Act.

Hence submitted along with Annexure I for further notification and publication in Government Gazette.

(Sd.)

Special Officer, Auqaf,
J&K Government.

فہرست جائیداد اوقاف چاڈورہ

1	نمبر شمار	1		
2	نام محلہ یا موضوع	چاڈورہ		
3	نام جائیداد و وقف	اراضی	صحن مسجد جامع	
4	نمبر خسرہ مع نام کھیت	485	من قطعہ 420	2
5	تعداد در قید مقدم	کناں	4	11
		مرلہ	10	7
		مربع فٹ	-	-
		قسم اراضی	اراضی	صحن مسجد جامع
6	تفصیل در نشان			
7	تخمیناً مالیت جائیداد و وقف	Rs.10,00,000/-	Rs.5,00,000/-	
8	سروی نمبر اوقاف	1		
9	اغراض و مقاصد جائیداد و وقف	اراضی	عبادت	
10	آمدنی سالانہ	بصورت کرایہ ٹھیکہ جات و لگان وغیرہ	-	
		نذر و نیاز و عطیات وغیرہ	-	
		میزان	-	
11	اخراجات سالانہ	ٹیکس و مالیہ سرکار وغیرہ	-	
		وصولیاتی آمدنی کیلئے ملازم وغیرہ	-	
		میزان	-	
12	طریقہ انتظام اوقاف	بذریعہ انتظامیہ		
13	کیفیت			

دستخط کردار و اوقاف پر مثال کشنده

و سحر پیل آفسر اوقاف تصدیق کنندہ



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Srinagar, the 16th September, 2015.

SRO-324.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001 (Act No. III of 2001), the Government, after consulting the Administrator, Auqaf Islamia, Jammu, hereby publish land measuring 10 Kanals 12 Marlas under

Khasra No. 4, '01 Kanal 06 Marlas (Takia Baba Barkat Shah)' '04 Kanals 06 Marlas (Akhara Peer Baba Barkat Ali Shah)' and '05 Kanals (Graveyard)' situated at Jajjar Kotli, Tehsil and District Jammu as Wakaf Property for the purposes of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) DHEERAJ GUPTA, IAS,

Commissioner/Secretary to Government.
Revenue Department.

Annexure-II

S. No.	District	Tehsil	Village	Khasra No.	Area	Nature of property	Remarks
					K. M. Sft.		
1.	Jammu	Jammu	Jajjar Kotli	4	01—06—00	Takia Baba Barkat Ali Shah	
					04—06—00	Akhara Barkat Ali Shah	
					05—00—00	Graveyard	
				Total	10—12—00		

(Sd.)

Special Officer, Auqaf,
J&K Government.

Survey - Annexure-I

ریاست جموں و کشمیر تحصیل ضلع جموں فہرست جائیداد وقف واقع در موضع جھنگوٹلی

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
کیفیت	طریقہ	آمدنی سالانہ	آمدنی سالانہ	تخمیناً مالیت	اغراض و مقاصد	درختان	تغیرات	قسم زمین	مربع فٹ	مرلہ	رقبہ پتہ قسم	نمبر خسرہ	نام جائیداد	نمبر شمار
	انظام	پچھے	پچھے	جائیداد وقف	جائیداد وقف	درختان	تغیرات	قسم زمین	مربع فٹ	مرلہ	رقبہ پتہ قسم	نمبر خسرہ	نام جائیداد	نمبر شمار
	بذریعہ	-	-	Rs. 5,20,000/-	عبادت	-	-	مکعبہ بابا	-	06	01	04	مقبوضہ	1
	جوں	-	-	Rs. 17,20,000/-	عبادت	-	-	برکت علی شاہ صاحب	-	06	04	-	اہل اسلام	جھنگوٹلی
	"	-	-	Rs. 20,00,000/-	مدفن	-	-	اکھاڑہ	-	-	05	-	"	"
	"	-	-	Rs. 42,40,000/-	-	-	-	برکت علی شاہ صاحب	-	-	10	1	میزان	"

دستخط پٹواری اوقاف سروے کنندہ

دستخط گروادار اوقاف پٹال کنندہ

دستخط سیشن آفیسر اوقاف تصدیق کنندہ



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 128] Srinagar, Thu., the 10th Sept, 2015/19th Bhad., 1937. [No. 24-2

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B
Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU

File No. : 276/ITLC.

Date of Institution : 20-01-2014.

Date of Award : 14-07-2015.

Oberoi Service Centre, Narwal Bala, Bye-Pass Road, Jammu through
its Proprietor Narinder Singh Oberoi S/o Late Shri Isher Singh Oberoi,
R/o H. No. 60, Sector No. 13, Nanak Nagar, Jammu.

Petitioner

Versus

1. Regional Director, E. S. I. Corporation, 10-B, Radha Bhawan, Shastri
Nagar, Jammu.

2. Recovery Officer, E. S. I. Corporation, 10-B, Radha Bhawan, Shastri Nagar, Jammu

Respondents

In the matter of :—Petitioner under section 75 (g) of Employees State Insurance Act, 1948 for settlement of dispute between the parties to the petition that the establishment of petitioner does not comes within the purview of ESI Act and for refund of Rs. 4,040.00/- with interest @ Rs. 12% P. A. Illegally obtained as contribution by the respondents from the petitioner.

AWARD

1. Petitioner claim that he is a Proprietor of Oberoi Service Centre, Narwal Bala, Bye-Pass, Jammu which is situated at Village Narwal Bala under the Khasra No. 260, Tehsil and District Jammu outside the Municipal Corporation of Jammu. As per certificate issued by Naib Tehsildars Settlement, Bahu which is clearly evidencing the fact that the establishment of the petitioner is situated at Narwal Bala. Vide notification issued by the Government of India dated 06-10-1989 that the area of Municipal of Jammu City and other particular areas come within the purview of ESI Act, but unit of the petitioner remained outside the coverage area as per notification aforesaid till date. Copy of the notification is also annexed with the petition. Petitioner further submitted that respondent w. e. f. 27-08-2009 illegally implemented provision of ESI Act on the establishment of petitioner without any authority and in absence valid notification and also allotted ESI Code No. 9000010090000709. Respondents had illegally in absence of any notification and without any authority of law as implemented the provision of ESI Act on the establishment and has obtained Rs. 4040/- from the petitioner which was deposited by mistake as contribution with respondent. Petitioner requested the respondent to rectify mistake and refunded the contribution which has been collected without any authority of law. But respondent has not accepted the request of the petitioner, hereby giving cause of action to file the petition. That the contribution deposited by the

mistake in as much the respondent has without any notification issued by the concerned Government as covered the unit of the petitioner illegally and in violation of Article of 265 of Constitution of provision. Petitioner or any employee of the unit has not received any benefit from the respondents. Petitioner has raised a dispute under section 75 (g) of ESI Act for settlement of dispute between the petitioner and the respondent corporation and for recovery of Rs. 4040/- which has been illegally obtained by the respondent. This court has jurisdiction to entertain the petition and finally prayed for kindly be settled with the respondent and respondent be directed to refund to the petitioner a sum of Rs. 4040/- with interest of 12% per annum.

2. Thereafter, file was fixed for objection from respondent. Whereupon filed objection on *inter alia* alleging.

3. Content of most of the para's of petitioner is generally denied as wrong and frivolous. It is, however, submitted that main contention of the petitioner being outside the limits of Jammu Municipality is contrary to facts on record. As all the area falling under the Municipal Limit of Jammu are coverable under ESI Act and applicants units was rightly covered since the same fall within the Municipal Limit of Jammu City. Notification issued earlier is self-sufficient as it covered all the area falling in municipal limits. Further as per the Act, notifications separately issued only when some new area is brought into the ambit of the scheme like notification was issued covering Katra, Udampur area. Since as per Notification Act is applicable on the units within municipal limits. The provisions being coextensive and co-terminus with the municipal limits, no further notification is required which would be redundant exercise. It was further incumbent upon petitioner to ascertain the laws applicable in their "Municipal Area" from time to time and to be amenable to the same by complying law of the land. It is further submitted here that petitioner unit was rightly covered since the same fell within the limit of Municipal Jammu and petitioner never raised, any issue to the office of the respondent in accordance with section 77 of ESI Act, 1948, except the present one, the unit continues covered under provision of ESI Act. It is admitted that contribution was deposited with the corporation. So, surely benefit would have been entitled to availed by the employees of the petitioner and as such, the claim of the petitioner is absurd. Coverage letter was issued by the office is legal as the

unit is situated in the implemented area of Jammu Municipal Corporation. The contention of petitioner is after thought to deprive their employees from the benefit under the scheme by escaping from coverage on fabricated grounds. ESI contribution is not a tax and the corporation has got the right to collect the contribution from covered unit from the benefit of employee under the Beneficial Act. The dispute raised by the petitioner and his claims for refund for all further barred under section 77 of the ESI Act, 1948 and filed with a view to deprive his employee of social security of benefit under the Act.

4. I have heard Ld. Counsel for both sides and also perused the record available on file. As there is a main point for determination is only whether the unit of the petitioner falls within the jurisdiction of the area which is covered by the notification of the Government under ESI Act, 1948.

5. The basic question for the disposal of the petition by this court is “Whether the provision of ESI is applicable in the area falling within the limits of extended municipal limits.” In this regard Ld. Counsel for parties have argued at length. The notification dated 06-10-1989 was made applicable w. e. f. 16-10-1989 to the State of J&K for certain area. Here we are dealing the applicability of said notification to the area falling under the local limit of extended municipal limits. A bare perusal of the notification issued by the Government of India/Central Government reveals that the provision of the ESI Act are applicable to Jammu Municipal Limit of Jammu City, Cantonment Limits of the Jammu, Village Miran Sahib, Ban Sultan, Muthi and Gangyal etc. Undoubtedly the unit of the petitioner is situated at Village Narwal Bala, Bye-Pass Road, Jammu and by virtue of Notification of SRO-434 dated 24-12-2003 issued in J&K Government Gazette. The Village Narwal Bala is also included in the Municipal Limit of Jammu Municipal Corporation. The unit of the petitioner right now is fall within the Municipal Area of Municipal Corporation of Jammu by virtue of this notification unit of the petitioner definitely falls within the municipal limits.

6. Ld. Counsel for the petitioner has stress that it is the domain of the Government of India to include any area in the purview of ESI Act. If any area brought under the provision of ESI Act or delete any area from the

coverage there must be a notification from the Central Government. State Government has not power to extend the limit of area of ESI Act they can include any area in the municipal limits but same does not conferred any power to the Government to brought the provision of ESI Act. In support of his contention he has cited a case law of Hon'ble High Court, Rajasthan in the year 1990. But I have persued the same judgment and which was challenged in the Supreme Court by way of SLP and same has been dismissed.

7. The petitioner unit falls within the municipal limit of Jammu City. By virtue of the Notification SRO-434 dated 24-12-2003 issued by the Government of J&K Notification and dated 06-10-1989 to the State of J&K by the Central Government and as per said notification, the area of Jammu Division *inter alia* others to which the provision of the said Act as mentioned in the said notification were made applicable.

8. It is further submitted that vide notification dated 06-10-1989 the complete provision of ESI Act were made applicable w. e. f. 16-10-1989 by the "Government of India" to the State of J&K as per the said notification, the area of Jammu Division *inter alia* other to which the provision of the said Act, as mentioned in the said notification were made applicable are—

II. Jammu Divisions HAD BAST No., Jammu—

- i. Municipal Limits of Jammu City ;
- ii. Cantonment Limits of Jammu Cantt. ;
- iii. _____ ;
- iv. _____ ;
- v. Gangyal.

9. Ld. Counsel for the respondent argued that "The Employees State Insurance Act, 1948" was introduced to provide for certain benefits to employees in case of sickness, maternity in case of female employees,

injury etc. This Act being welfare measure to provide certain benefits to the employees. The Act, therefore, must receive a liberal construction so as to promote its objects. In ESI Corporation of Hyderabad V/s. Jaya Laxmi Cotton and Oil Products (P) Ltd., 1980 Lab IC 1078 it was held that—

“In consistency between laws made by Parliament and laws made by the Legislature of a State (Article 254) (1) if any provision of a law made by Lagislature of a State is repugnant to any provision of law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List, then subject to the provisions of Clause (2) the law made by the Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Lagislature of State shall to the extent of repugnancy be void”.

10. The underlying aim of the Act is to insure the employees against various risks to their life, health and well being and the charge is upon the principal employer even though he may get his usual work done through an intermediary, who is describe in the Act as immediate employer. Any dispute between the principal employer and the immediate employer is to be settled between themselves, dehors, the employees and the Act charges the principal employer with the liability to pay the contribution not only of its own but also that of the employees subject to this right to deduct the employees contribution from their wages under section 40(2) of the Act. There is quicker mode of recovery as arrears of land revenue under section 45-B and 73-D. Chapter V-A provides for transitory provisions and by section 73-A every principal employer shall have to pay a special contribution in lieu of the employer’s contribution payable under Chapter IV. Adjudication all kinds of specified disputes are also intended to be expeditiously disposed of by the court constituted under section 74. Such disputes include dispute between a principal employer and an immediate employer as noticed earlier. Civil Court’s jurisdiction is barred in respect of

matters specified in the Act. There is only one special type of appeal to the High Court and that also in a restricted form. The Act in sisters on compliance with its provisions on pain of penalties and the contribution due to the corporation have priority over other debts.

11. The another limbs of the argument of Ld. Counsel for respondent that in order to provide the benefits of the scheme of the Act, Legislature/ State of J&K has intentionally extended the scheme of the Act to all establishment/factory/unit/shop etc. which are falling under the Municipal Limits of the Jammu City and Cantonment Limits of Jammu Cantt. In order to provide the benefits to his poor and miserable employees to provide the remedies for the wide spread evils arising from the consequences of the national poverty.

12. It is clear from the very language of the notification above said that so far as area falling under the limit of municipal limits of Jammu City and cantonment limits of Jammu Cantt. The area of implementation is not confined/limited/identified/restricted are defined by HAD BAST No. and the Act applies to the all the area which comes under the Municipal Limits of Jammu City irrespective of its HAD BAST No. or Khasra No. It is submitted that the above said notification is silent with regard to “HAD BAST Number” or Khasra Number of areas to which the Act applied, which falls within the Municipal Limits of Jammu City and Cantonment Limits of Jammu Cantt. And from above it is clear that the Central Government/State Government had deliberately not confined/limited/defined/ identified/restricted the areas by any HAD BAST Number/Khasra Number falling under Municipals Limits of Jammu City and Cantonment Limits of Jammu Cantt., for the purpose of applicability of the Act and an option was/is deliberately kept/left open in the notification for the further probabilities, with the intention to provide insurance protection/cover and other benefits etc. under the Act to the employees who are working in the factories/establishments falling under the ordinary territorial limits of Municipal Limits of Jammu City and Cantonment Limits of Jammu Cantt.

13. Ld. Counsel for petitioner stress on the point that subsequent notification is mandatory for invoking the provision of ESI Act and he has cited case law titled as M/s. Anil Textile Industry V/s, ESI. I have gone through the said judgment and distinguishable as the facts of cited case is different to present case.

14. Now the question comes for the consideration, whether the subsequent notification is required to be issued by the Central Government for extended municipal limits. In this regard the interpretation of the notification is profitable. The wording of the notification issued by the Central Government dated 06-10-1989 is unambiguous and very clear which reads as, "the Municipal Limits of Jammu City". The Municipal Limits of Jammu City does not mean that the only area falls within the Municipal Limits of Jammu City and not beyond that. It is the duty and the competence of the State Government to issue the notification with regard to the inclusion of more areas for municipal limits and the Government of India has nothing to do with the issuance of notification for the extended Municipal Limits. The State Government may issue notification for the extension of municipal act to certain areas after month or later on and if the plea of the Ld. Counsel for the petitioner is accepted then the Central Government has to issue a subsequent notification after every notification issued by the State Government for the extended municipal limits, which does not seems to be well founded. The notification already issued by the Government of India mandates, that the areas falling within the Municipal Limits of Jammu City. The liberal approach is to be taken while interpreting the line/words, "Municipal Limit of Jammu City". Once notification issued by the Central Government speaks it self that Act is applicable to the Municipal Limits of Jammu City, so there is no purpose to issue the subsequent notification in this regard. Wherever municipal limits, extends, the provision of ESI Act automatically becomes applicable. The only criteria for the implementation of the Act is that unit comes within the municipal limits, may be the municipal limits as per the notification 06-10-1989 or the extended municipal limits irrespective of its issuance by the Government. As per petitioner, respondent had illegally implemented the provision of ESI Act on the establishment of petitioner w. e. f. 27-08-2009 without any authority and in absence any

valid notification and allotted the Code No. 19000010090000709 and he has deposited some amount of Rs. 4040/- as contribution. Petitioner contention is only that State Government has no power to issue a notification under ESI Act, State Government cannot extend the limits of the any area. But as per notification of Government of India dated 06-10-1989. ESI Act is applicable on the Area of Jammu municipal limits. I do agree with the Ld. Counsel for the petitioner, if any, other village or tehsil or any other district is to be included in the list of ESI Act, then a proper notification required to be issued by the Central Government in this regard. But when municipal limits are already mentioned in the notification I think there is no need to misuse any fresh notification for Jammu Municipality. It may be extended or reduced the limits. Acts applicable only in the municipal limits of Jammu City. As such the contention of Ld. Counsel for petitioner is not tenable.

15. Reliance is also placed on a judgment of titled M/s. Krishana Foundry Works V/s. Administrator, Municipality Ambala City and Ors., decided on 11-02-1985 in appeal No. 2041 of 1976. The Hon'ble High Court of Punjab and Haryana has held, "Specific Relief Act, 1963, Section 38 Punjab Municipal Act, 1911, section 61 (4) and 62-Haryana Municipal Act, 1973, section 200 (g) and 279-Octroi Imposition of Octroi Limit-Determination-Injunction Suit-Restraining defendants from assessing and realizing Octroi, on goods imported in their premises-plea that no bye-laws were framed by the State Government prior to March 19, 1976, the imposition of any Octroi, by extending the municipal limits was illegal-From the very beginning, Octroi was being imposed under notification dated November 24, 1967, without there being any bye-laws to that effect-Question of fixing any Octroi limits as such afresh did not arise-Prior to the bye-laws dated March 19, 1976, the Octroi limits of the municipality vide notification dated February 21, 1974 the municipal limits of the municipality were extended-Area within the business premises of the plaintiffs was also included therein. They were liable to pay the Octroi in view of the earlier notification dated November 24, 1967 fixing of that Octroi limits separately under the circumstances did not arise. For the purposes of realizing Octroi, the Octroi limits were the same as the municipal limits of the municipal."

16. This is admitted fact that Village Narwal Bala was included in the Municipal Limits of the Jammu Municipal Corporation in the year 2003 as per SRO-434 dated 24-12-2003 and the unit of the petitioner falls under the jurisdiction of Narwal Bala, after issuance of notification with regard to extended area of Jammu Municipality Unit was covered by the ESIC. So it is well established that unit falls within the limits of the municipality.

17. Hence, considering the above said discussion and the entire facts and circumstances of the case. I am of the view that petitioner has failed to make out a case for the grant of relief as prayed and for setting aside the demand notice and refund of the contribution already paid by the petitioner to the respondent. Net result is that petition is dismissed. There is no order to cost. Interims direction if any passed by this court shall stand vacated. Petition stand disposed off and file shall consign to record after due completion.

Announced :

14-07-2015.

(Sd.) ZUBAIR AHMAD RAZA,
District and Sessions Judge
(Presiding Officer),
Industrial Tribunal-cum-Labour Court,
J&K, Jammu.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART II—B

Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU

File No. : 138/LC.

Date of Institution : 19-01-2010.

Date of Award : 16-07-2015.

Suresh Kumar S/o Puran Chand, Security Guard.

Petitioner

Versus

Factory Manager, M/s. Reckitt Benchiser (India) Ltd., Lane No. 2, Industrial
Complex, Bari Brahmana, District Samba.

Respondent

AR for the petitioner is present.

AR for the respondent present.

AWARD

1. Section 10 of the Industrial Disputes Act (herein referred to as “the Act”), envisages that where the appropriate Government is of the opinion that any Industrial Dispute exists or apprehended, it may at any time in writing referred to the dispute or any matter appearing to be connected with or relevant to the dispute to the Industrial Tribunal or the Labour Court for adjudication.

2. The authority identified by the State Government under the Act while having sufficient compliance with the provisions of Act, has made a reference to this Tribunal vide SRO No. 37 on dated 15th of January, 2010 for adjudication and passing an appropriate order. The reference made by the Government broadly and pointedly after having proper consideration by the Reconciliation Officer. Government is of the opinion that Industrial Dispute exists between Suresh Kumar V/s. M/s. Reckitt Benckiser India Ltd., Phase-1, Lane No. 2, Bari Brahmana, Samba. So in exercise of powers conferred by clause (c) of sub-section (1) of the section 10 of Industrial Disputes Act, 1947, Government referred this dispute for adjudication on the following issues :—

I. Whether the termination of services of the workman is legally justified ?

II. If not, to what relief is entitled ?

3. Fundamentally and primarily the reference which made by the authority to this Tribunal is based on report submitted by the Conciliation Officer.

4. On receiving the reference from the Government, this Tribunal has issued to the notices to both side for filing the claims and objections from other side. Petitioner appeared to through authorized representative and filed claims of the petitioner in the dispute.

5. Petitioner in his claims alleged that he joined the service with the factory on 16-07-2004 as security guard remained in continuous in-service till the termination. The alleged resignation letter dated 27-04-2007 was not genuine he challenged the validity and genuineness of resignation which obtained by the respondent, by fraud and under threat. He remained in service for about three years and was getting Rs. 3310/- at the time of termination. On 27-04-2007 he was on duty, Shri Anjan Kumar Maji called him in his office and asked him to submit resignation in writing with the wording "Tumhare Ghar Ki halat Thiek Nehi Hain" and Ravinder Singh an employee of factory was setting with him and on the dictation of the Manager, Anjan Kumar he wrote a resignation letter of Suresh Kumar after that got the signature of workman on the alleged resignation along with the signature of Manager, Anjan Kumar Maji and Ravinder Singh. There was no occasion to resign from service but Factory Manager committed a fraud with him and resignation was not voluntary and obtained with fraud. He is covered under EST Scheme and his Insurance No. 148037 and also covered under PPF Scheme. Petitioner as approached so many times to the respondent for duty but he refused and after that he approached Labour Commissioner but the respondent does not allow him to perform the duty even the Labour Officer, Jammu wrote to the employer. Resignation was not voluntarily but obtained by fraud. Therefore, being violation of section 25-F of the I. D. Act, 1947. There was no misconduct against him there was no charge-sheet and no inquiry was conducted against him. Such termination is bad in the eye of law and not sustainable. No payment of retrenchment compensation has been made. So, finally prayed for setting aside such type of termination from services on 01-05-2007.

6. Respondent has filed the reply to the statement of claims alleging him that statement of claim is frivolous not also maintainable it is vexation and without any merit. It is an abuse of the process of law and based on misleading and false allegations. In equity and in law the said cause of action does not exit qua answering the respondent. The claim, on the short ground is liable to be dismissed. Present dispute raised by petitioner is not maintainable being not an industrial dispute as defined in section 2(A) of section 2(K) of the Industrial Disputes Act because applicant of his own

submitted the resignation letter on 27-04-2007. In view of the request received from the claimant respondent management accepted the resignation and relieved him from the services and the claimant also received all his dues in full and final settlement. So claim is liable to be rejected. Claims being after thought and attempt to rewind the process which has already got concluded. After the claimant resign from his services which was accepted by the management and the amount in full and final settlement were paid to the petitioner. Government has made a reference to this court in mechanical manner without application of mind. Reference does not reflect the contention of respondent management that the claimant resigns from his service and received his dues from the respondent. In view of the terms of the reference as made without prejudices that the respondent management has terminated the services of the claimant in any case not the real dispute between the parties. As the relationship of employer and employee between the claimant and respondent came to an end. As same has been accepted by the claimant being correct, because claimant has approached EPF Authority representing that he has ceased to be an employee of the respondent and received all payment. In view of the same claim is not maintainable and is liable to be rejected.

7. In para-wise reply stated that statement of claims is vague, after thought, ill conceived, misconceived and are denied. It is not fact that resignation dated 27-04-2007 is not genuine. The claim is after thought raised all these allegation with ulterior motive to harass and extort money from the management which cannot be under law. When the workman has duly resigned from the service and received the all payment of in full and final settlement including the statutory dues from the Provident Fund Authority. He is estopped from filing the present claim. At the time of resignation claimant was drawing the salary Rs. 2000/- per month not 2200/- as alleged. The story put forth by the claimant is pigment of imagination false, frivolous and fabricated. It is denied that claimant was made to sign the resignation letter but he did not know under which circumstances are as alleged. It is reiterated that the claimant voluntarily on his own submitted the resignation which was duly accepted and claimant

received full and final dues pursuance of which the relation of the employer and employee came to an end. It is not fact that manager of the factory has procured his resignation by fraud or inducement. It is all fabricated and frivolous story prepared by the petitioner. It is denied that services of the claimant were ever terminated by the management. It is denied that management has contravened any provision of law as alleged. There is no question of issuing charge-sheet or inquiry when petitioner himself resigns from the service.

8. The claimant also filed rejoinder to the objections alleging in that the objections are totally wrong, baseless and therefore emphatically denied and same may be rejected. There was no circumstances for which petitioner have voluntarily resigned as alleged in the objections. As such resignation is not genuine. Workman has not taken any full and final payment as alleged by the respondent. This is fact that he has been terminated from the service. The respondent has committed illegality when the alleged respondent took resignation. In the rejoinder no new fact has been brought to notice but same has been denied.

9. The claim of the petitioner as reflected in the conciliation proceedings and projected by the petitioner are as that Factory Manager obtained resignation on 27-04-2007 with malice mentality and with fraud as there was no occasion for workman to give resignation. He was working with the factory as security guard and remained in-service continuously till termination from the service on 01-05-2007 on the ground of alleged resignation which is not genuine and proper under law. On 27-04-2007 he was on duty manager called him in his office and asked him to submit his resignation with the wording "Tumhare Ghar Ke Halat Theik Nehi Hain". This resignation was written by Ravinder Singh on the dictation of manager of factory and after that petitioner was asked to sign which he signed. This letter was totally wrong, illegal and not proper as it was obtained by fraud. It was illegal retrenchment being violation of section 25-F of the I. D. Act actually they have terminated the employee illegally. Applicant approached so many times to Factory Manager for duty but he has not allowed him to work. Other party submitted that employee has submitted his resignation at his own and also obtained the full and final payment from

respondent as such the relationship of employee and employer came to an end. So, Conciliation Officer fails to settle the matter and submitted the failure report to the Government. The Government vide its SRO-37 dated 15th January, 2010 referred the dispute to this tribunal.

10. To prove the case of the parties they have been directed to lead their evidence. Petitioner Suresh Kumar himself appeared in the witness box as witness and affidavit of Shri Ravinder Singh as his witness. Whereas, the respondent has examined Ajay Sharma witness only. It is profitable to reproduced brief resume of statement of witness.

11. Petitioner Suresh Kumar appear as witness and stated that he was an employee in the factory as security guard he was terminated on 01-05-2007 and at that time he was getting Rs. 4500/- per month. Out of which 2200/- is basic rest is allowances. At the time of termination no notices was given to him neither he was charge-sheeted or any inquiry was conducted. When we went to duty Factory Storekeeper, Ravinder Singh asked them that Factory Manager was saying that your gate is closed. Factory Manager name was Anjan Kumar and Storekeeper was Arvind Singh. Anjan Kumar asked him to sign on a blank paper and we inquired from them, for what purpose they are getting their signature he replied that your salary is to be raised and we have to send this paper to head office. He is educated up to ninth standard. He has signed on the blank paper by error. Later on, he came to know that Factory Manager has got their resignation. Petitioner has submitted the photocopy of the resignation, original is in the factory. ESI and EPF Scheme was already implemented. He still unemployed having no job. On cross-examination stated that he does not know whether any agreement was signed by him at the time of joining the employment. He is a regular employee. He has not given any resignation from the service. The paper which has been signed by him is purely by fraud. No full and final payment was received by him after termination as inquired. On 2/3 paper was signed fraudulently. He is unemployed right now.

12. PW Ravinder Singh has submitted his affidavit in the shape of evidence stating in that he was permanent employee of the respondent factory and was working on the post of store supervisor. He knows the petitioner who was working as security guard. He joined the service 2004 and terminated in the year 2007. There was no misconduct against him. No notice or notice pay was paid to the petitioner at the time of termination. The respondent Factory Manager, Anjan Maji calls the petitioner in his office and also called him in office. In his presence Factory Manager said to the petitioner "Tumhare Ghar Ki Halat thiek Nehi Hai" give resignation. On the direction of Factory Manager he wrote the resignation of Suresh Kumar. Contents of resignation were not explained to the petitioner and got his signature. On cross-examination stated that he was an actively participating with the worker union of Reckitt Benckiser. Earlier there was 25 member of union now reduced to 10. He does not know name of the General Secretary and right now he is President of the Union. He does not know whether petitioner is educated or not. He wrote the resignation of the petitioner on the direction of Anjan Kumar. At that time petitioner was not there. Petitioner has put his signature on the resignation under pressure. He was threatened to throw out and got signature of petitioner on resignation. He is having good relation with the petitioner. He has written the resignation in the office but it was not written in the manager office. There was no other person present in the room. Petitioner has not asked him to write down his resignation. But it was written on the direction of Manager. He has signed one of the resignation. Petitioner has not received any full and final payment in his presence. He has not said to anybody that he has written the resignation. When he has written the resignation at that time there were 2/3 cases were pending in courts of union. When resignation was written union was not registered.

13. On rebuttal respondent has examined only one witness namely Ajay Kumar Sharma on affidavit. He stated that he has employed as HR Management of the officer and so he is conversant with the facts. Claimant Suresh Kumar who was employed with the respondent of his own submitted the resignation letter on 27-04-2007 whereby he resign from his service. The resignation letter dated 27-04-2007 is marked as EXMW 1/1. In view of the request respondent accepted the resignation and relieved him from

his service and claimant also received all his dues in full and final settlement. A copy of documents related to receipt the full and final dues is marked as EXMW/1/2. So, the relationship of the employer and employee came to an end. The claimant joined the employment on 01-06-2005 and was drawing a salary of Rs. 2000/- p. m. at the time of ceasing to be employed with the respondent. This is totally incorrect that claimant has been cheated or unfair labour practice as alleged. This is also not correct that resignation was obtained by fraud as alleged by the petitioner. On cross-examination stated that he has joined Reckitt Benckiser on 01-04-2014. He has got the appointment letter of there. He has no knowledge about the working of the company from 2004 to 2007 but he can depose after perusal of the record. As per record he has knowledge that Suresh Kumar joined the service in June, 2005 and he has resigned from service in the month of April, 2007. And on the same day resignation was accepted and acceptance letter was given to the petitioner.

14. This is the whole some and substance of the both side evidence which produced by them during the proceedings.

15. I have thoughtfully considered argument advanced by the representative of the parties and had a minutes study and appreciation of the evidence both oral as well as documentary available on the file.

16. AR for petitioner argued that the petitioner had been working as Security Guard in the respondent establishment since 2004. He was performing duty to the satisfaction of the respondent. Petitioner was called by the Manager of the Factory on 27-04-2007 in his office and obtained a resignation letter by fraud. He was terminated from the service illegally without any or charge-sheet. Petitioner was getting Rs. 4500/- per month at that time. The Factory Manager, Anjan Maji asked the petitioner to give resignation and Factory Manager, directed to Shri Ravinder Singh witness to write his resignation with the wording "Tumhare Ghar Ke Halat Thiek Nehi Hain". Contents of resignation were not explained to the petitioner. Resignation having been obtained on the direction of authority, Factory Manager using his colorable power with *mala fide* intention must be holding

wholly illegal. Resignation when not voluntary but obtained by pressure and force will amount to illegal termination from the service. It is well settled principle of law that a resignation obtained by pressure or force will amount to termination of service and resignation accepted on the same date not convey to the petitioner is amount to illegal termination.

17. On the other hand AR for respondent stress that employee has resigned from his service vide his letter dated 27-04-2007 to be effective from 1st May, 2007 on his own. As requested by the claimant resignation was accepted by the respondent and claimant also received his full and final dues on 9th of June, 2007. Once the resignation tendered by the claimant was accepted by the respondent and he was relieved from his services. The relationship of employer and employee came to an end. In case the employee raises the serious allegation that the resignation was not submitted voluntarily but under coercion, burden shall squarely vest with the claimant to substantiate the same and employer cannot be asked to prove the genuineness of the resignation. Once the resignation letter submitted by the claimant has been accepted by the management and claimant accepted his full and final dues. The process concluded and relationship of employer and employee came to an end.

18. This court has to return the findings within in circumscribe limits of the term of the reference identified by the competent authority and we are not suppose to travel beyond the terms set up for adjudication. What is required to be settled precisely is to be finding out legality or otherwise action of the respondent management in terminating the services of the petitioner by the respondent is legally valid or not. In case where the action was taken by the respondent on a resignation, whether such resignation is voluntarily or obtained by fraud.

19. Briefly petitioner was employee of the factory which definitely covered under section 2 (s) of Industrial Disputes Act, 1948 and parties have not disputed on this point. The grievances of the petitioner is as that while he was on duty and called by the Manager, Anjan Maji in his office in presence of one Ravinder Singh and obtained his resignation by fraud,

forcefully. As per petitioner he was on duty and calls Anjan Maji through Ravinder Singh and got his signature on a blank paper. At that time it was not written, got his signature with the impression that this paper it is to be sent the head office for enhancement of his salary. So, he signs the paper. Later on, he came to know that he has signed on a resignation which is not voluntarily at all. He was regular employee of the organization and he has not received full and final payment from the factory as alleged. Manager has got his signature by fraud. On the perusal of petitioner evidence only one PW Ravinder Singh appeared and who has supported the version of the petitioner who admitted in his deposition before the court that petitioner has signed the resignation under pressure. In his cross-examination stated that petitioner was also threatened to be thrown outside. In case he will not sign. He has also denied about full and final payment to the petitioner. So from the evidence of petitioner it comes clear that resignation has been obtained under pressure and under threat. PW Ravinder Singh who is the author of the resignation himself admitted that resignation was taken under pressure and under threat, though respondent has not sought any explanation with regard to under pressure so there is no option but to rely on the deposition of witness who is otherwise not a discreditable. So far evidence adduced by the respondent is concerned only one RW Ajay Kumar Sharma who has recently joined the factory. He has no knowledge about the working of the factory of that relevant time. So in nutshell respondents have not examined any other PW who can rebut the claim of the petitioner.

20. An other plea raised by the respondent that petitioner has received full and final payment of his dues from the factory, but also withdraw his PF amount before filing this case. But when there is convincing evidence on record indicating that the resignation was procured by the management and not voluntarily submitted by the employee, withdrawal of employment will not come in way. Provident Fund is the money of employee it can be withdrawn at any time. In support of my contention I have laid my hand on an authority of Kalkata High Court (DB) 2013 LLR 1247. It has been held, withdrawal of Provident Fund dues by the employee has no force in view

of the evidence on record indicating suspicious in procuring the resignation from the employee by the management by force.

21. Petitioner claims that his resignation was procured by the management under pressure and burden of proof lies on him. He himself as well as PW's stated in clear words that resignation was obtained under pressure so he has proved beyond any doubt that resignation was not voluntarily. It was not written when his signature was taken. He is poor fellow, it is possible he has signed on blank paper as deposed by him as well as his witness.

22. There is nothing on record which shows that he has received full and final payment of his dues, respondent have also not adduced any evidence in this regard. Through there is a photocopy of receipt of Rs. 6,000/- dated 09-06-2007 but there is nothing mentioned. Whether it is a good will gesture or one month pay or it is total leave salary gratuity etc. because as per record he has completed 240 days in a calendar year so receipt is a photocopy vague neither same has been prove by the respondent. As such it is not admissible under evidence Act. So far authorities submitted by the respondents are of different circumstances cases. As such same are not applicable here.

23. In view of the above, resignation obtained by the management from the petitioner dated 27-04-2007 is not a voluntarily. He was on duty under pressure resignation was got signed from him. As such termination of the petitioner by the respondent is illegal invalid. Therefore, the termination of the petitioner respondent management is hereby set aside and respondent is directed to reinstate the petitioner forthwith. Admittedly petitioner has rendered the services for more than 240 days in a calendar years has required. There is nothing sustainable accepting the averment that petitioner had resigned from the service on his own.

24. So far as back wages in question is concerned, I realized that admittedly as come in their evidence that they remains unemployed during the pendency of the case. It is well settled and it is necessary to consider

the facts and circumstances of the each case before granting back wages. On this point I relied on judgement of Hon'ble Bombay High Court 2012 LLR page 1034 relevant para 11 which is reproduced as under :—

“Admittedly, as recorded above, petitioner is disabled and project affected person. In the complaint, through very averments are made i. e. he is unable to earn and run the family and also no one else working in any Government department and therefore, family were suffering because of the poor condition ; and he has no source of income, yet these averments have never been challenged and/or remained unchallenged, are sufficient to defend the submission made by the Learned Counsel appearing for the petitioner that there was no evidence or material placed on record that he was without job and was not earning anything during this period. These averments as are not denied, the observation that the burden lies upon the respondent to prove the same is not correct. I am, therefore, inclined to accept the averments made that he was not earning during this period, as he was out of job during this period. It is well-settled and it is necessary to consider the facts and circumstances of each case before granting back wages ; a case is made out to modify the order and direct the petitioner to pay 50% back wages. I am inclined duce 50% also for the reasons that admittedly, the respondent never rendered services during this period with the petitioner. The reduction to 50% back wages in my opinion is proper and reasonable compensation.

25. This is a case where petitioners have been terminated illegally in the year 2007 and matter is long pending and they have not work with the factory. So, I think to grant full back wages without work is not proper justify for a long period, but this is also correct that workers have not work during this period anywhere. As it have been come in the petitioners evidence which remain un rebutted by other side. Keeping in mind facts and circumstances of the case respondent is hereby directed to pay 50% back wages from the date of termination till reinstatement. Accordingly an award is passed in favour of the petitioners and against the respondent

management. Copy of the award be sent to the Government of J&K through its Commissioner/Secretary, Labour Department for information and for publication in the Government Gazette.

Announced :

16-07-2015.

(Sd.) ZUBAIR AHMAD RAZA,
District and Sessions Judge
(Presiding Officer),
Industrial Tribunal-cum-Labour Court,
J&K, Jammu.

EXTRAORDINARY

REGD. NO. JK—33



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 128] Srinagar, Thu., the 8th Oct., 2015/16th Asv., 1937. [No. 28-1

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) **M. RAMZAN,**

Secretary.

**THE JAMMU AND KASHMIR LEGAL SERVICES
AUTHORITIES (AMENDMENT) BILL, 2015.**

[L. A. Bill No. 7 of 2015.]

A Bill to amend the Jammu and Kashmir Legal Services Authorities Act, 1997.

Be it enacted by the State Legislature in the Sixty-sixth Year of Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Legal Services Authorities (Amendment) Act, 2015.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 3, Act No. XXXIII of 1997.*—In section 3 of the Jammu and Kashmir Legal Services Authorities Act, 1997 (hereinafter referred to as ‘the principal Act’), sub-section (3) shall be substituted by the following, namely :—

“(3) The Government may, in consultation with Chief Justice of the High Court, appoint a person belonging to the Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Legal Services Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by the Government or as may be assigned to him by the Executive Chairman of the State Authority.”

3. *Repeal and saving.*—(1) The Jammu and Kashmir Legal Service Authorities (Amendment) Ordinance, 2015 (Ordinance No. 1 of 2015) is hereby repealed.

(2) Notwithstanding such repeal, anything done, any order issued or any action taken under the said Ordinance shall and shall always be deemed to have been done, issue or taken, as the case may be, under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (3) of section 3 of the Jammu and Kashmir Legal Services Authorities Act, 1997 provides that Commissioner/Secretary to Government, Law Department shall be Ex-officio Member-Secretary of the State Legal Service Authority. It has been felt necessary that the post of Member-Secretary of the State Legal Services Authority should be held by a Judicial Officer in order to keep a focused attention towards the schemes being implemented for providing legal aid to poor and marginalized sections of the society. Also in the recently held Conference of Chief Minister's and the Chief Justice's of the High Courts, it was resolved that the post of Member-Secretary of State Legal Service Authority. Accordingly, Ordinance No. 1 of 2015 was promulgated for amending sub-section (3) of section 3 of the Jammu and Kashmir Legal Services Authorities Act, 1997 providing for appointment of a Judicial Officer not lower in rank than that of a District Judge as Member-Secretary of the authority. The said Ordinance is now required to be replaced by an Amendment Act.

Hence the Bill.

MINISTER FOR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS.

**STATEMENT NECESSITATING THE PROMULGATION OF
ORDINANCE**

In view of the resolution passed during the Chief Ministers' of States and Chief Justices' of the High Courts conference held at New Delhi, it was felt necessary that the post of Member-Secretary of the State Legal Service Authority should be held by a Judicial Officer in order to keep a focused attention towards schemes being implemented for legal aid for poor and marginalized sections of society. Accordingly, Ordinance No. 1 of 2015 titled the Jammu and Kashmir Legal Services Authorities (Amendment) Ordinance, 2015 was promulgated.

MINISTER FOR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART III

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Under Rule 64 of the Rules of Procedure and Conduct of Business
in the Jammu and Kashmir Legislative Assembly, the following Bill
together with the Statement of Objects and Reasons, is published in
an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) **M. RAMZAN,**

Secretary.

**THE JAMMU AND KASHMIR PRIVATE SECURITY
AGENCIES (REGULATION) BILL, 2015.**

[L. A. Bill No. 8 of 2015.]

A Bill to provide for the regulation of private security agencies operating in the State of Jammu and Kashmir and for the matters connected therewith or incident thereto.

Be it enacted by the State Legislature in the Sixty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Private Security Agencies (Regulation) Act, 2015.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

- (a) “Act” means the Jammu and Kashmir Private Security Agencies (Regulation) Act, 2015 ;
- (b) “controlling authority” means the controlling authority appointed under sub-section (1) of section 3 ;
- (c) “Government” means the Government of Jammu and Kashmir ;
- (d) “licence” means a licence granted under section 6 of the Act ;
- (e) “notification” means a notification published in the Government Gazette ;
- (f) “prescribed” means prescribed by rules made under this Act ;

- (g) “private security” means security provided by a person or agency, other than a Government agency, department or organization, to protect or guard any person or property or both ;
- (h) “private security agency” means a person or body of persons, other than a Government agency, department or organization, engaged in the business of providing private security services including training to private security guards or their supervision or providing private security guards to any industrial or business undertaking or a company or any other person or property ;
- (i) “private security guard” means a person providing private security, with or without arms, to another person or property or both and includes a supervisor ;
- (j) “Schedule” means the Schedule appended to the Act ;
- (k) “State” means the State of Jammu and Kashmir.

3. *Appointment of controlling authority.*—(1) The Government shall, by notification, designate an officer not below the rank of Special Secretary to the Government to be the controlling authority for the purposes of the Act.

(2) The Government may, for efficient discharge of functions by the controlling authority, provide it with such other officers and staff as the Government considers necessary.

4. *Licence.*—(1) No person shall carry on or commence the business of private security agency, unless he holds a licence issued under the Act :

Provided that any person carrying on the business of private security agency, immediately before the commencement of the Act, may

continue to do so for a period not exceeding six months from the date of such commencement and if he has made an application for such licence within the said period of six months, he may continue it for a further period of three months or till the disposal of such application whichever be earlier.

(2) An application for issuance of a licence under the Act shall be considered only after due verification of the character and antecedents of the applicant.

5. *Persons not entitled for licence.*—(1) A person shall not be entitled for a licence under this Act, if he—

- (a) has been convicted of an offence of fraud or misfeasance committed by him in connection with promotion, formation or management of a company ;
- (b) is an undischarged insolvent ;
- (c) has been convicted by a competent court for an offence punishable with imprisonment of not less than two years ;
- (d) is keeping links with any organization or association which is banned under any law on account of their activities which pose threat to security of the State, national security or public order or there is information about such a person indulging in activities which are prejudicial to national security or public order ; or the security of the State ;
- (e) has been dismissed or removed from Government service on grounds of misconduct or moral turpitude ; or
- (f) is not a permanent resident of the State.

(2) A company, firm or association of persons shall not be entitled for a licence under the Act, unless—

- (a) it is registered in the State of Jammu and Kashmir under the law in force in the State for such registration ; and
- (b) its proprietor or majority of its shareholders or partner or its director is (are) permanent resident(s) of the State.

6. *Application for grant of licence.*—(1) An application for grant of licence to a private security agency shall be made to the controlling authority in such form as may be prescribed.

(2) Every application under sub-section (1) shall be accompanied by—

- (a) an affidavit in relation to the provisions of section 5 ;
- (b) an undertaking to ensure the availability of training facilities for its private security guards and supervisors required under sub-section (2) of section 8 ;
- (c) information about fulfillment of conditions laid down under section 10 ;
- (d) information regarding cases registered in a police station or pending in a court of law involving the applicant ; and
- (e) a fee of rupees—
 - (i) five thousand, if the private security agency is operating in one district of the State ;
 - (ii) ten thousand, if the agency is operating in more than one but up to five districts of the State ; and
 - (iii) twenty thousand, if it is operating in the whole State.

(3) On receipt of an application under sub-section (1), the controlling authority may, after making such inquiries as it considers necessary and obtaining no objection certificate from the concerned police authority, by order in writing, either grant a licence or refuse to grant the same within a period of sixty days from the date of receipt of application with complete particulars and the prescribed fee :

Provided that no order of refusal shall be made unless—

- (a) the applicant has been given a reasonable opportunity of being heard ; and
 - (b) the grounds on which licence is refused are mentioned in the order.
- (4) A licence granted under this section—
- (a) shall be valid for a period of three years unless the same is cancelled under sub-section (1) of section 12 ;
 - (b) may be renewed from time to time after the expiry of three years, for a further period of three years on payment of such fee as may be prescribed but which shall not be less than the fees specified under clause (e) of sub-section (2) of section 6 ; and
 - (c) shall be subject to such conditions as may be prescribed.

7. Renewal of licence.—(1) An application for renewal of licence shall be made to the controlling authority, not less than sixty days before the date of expiry of the period of validity thereof, in such form as may be prescribed and shall be accompanied by the requisite fee and other documents required under sections 5, 6 and 10 of the Act.

(2) The controlling authority shall pass an order on application for renewal of licence within sixty days from the date of receipt of application complete in all respects.

(3) On receipt of an application under sub-section (1), the controlling authority may, after making such inquiries as he considers necessary and by order in writing, renew the licence or refuse to renew the same :

Provided that no order of refusal shall be made except after giving the applicant a reasonable opportunity of being heard.

8. *Conditions for commencement of operation and engagement of supervisors.*—(1) A private security agency shall, within six months of obtaining the licence, commence its activities.

(2) The private security agency shall ensure imparting of such training and skills to its private security guards and supervisors as may be prescribed :

Provided that the person carrying on the business of private security agency, before the commencement of the Act, shall ensure the required training to its security guards and supervisors within a period of one year from the date of such commencement.

(3) Every private security agency shall, within sixty days from the date of issue of the licence, employ such number of supervisors, as may be prescribed.

(4) A private security agency shall not employ or engage a person as a supervisor unless he fulfils the conditions specified in sub-section (1) of section 9.

9. *Eligibility to be a private security guard.*—(1) A private security agency shall not employ or engage any person as a private security guard unless he—

- (a) is a permanent resident of the State ;
- (b) has completed eighteen years of age but has not attained the age of sixty five years ;

- (c) satisfies the agency about his character and antecedents in such manner as may be prescribed ;
- (d) has completed the prescribed security training successfully or completes the same within one year of his engagement ;
- (e) fulfils such physical standards as may be prescribed ; and
- (f) satisfies such other conditions as may be prescribed.

(2) No person who has been convicted by a competent court or who has been dismissed or removed on grounds of misconduct or moral turpitude while serving in any of the armed forces of the Union, State Police, Organizations, Central or State Governments or in any private security agency shall be employed or engaged as a private security guard or supervisor.

(3) A private security agency may, while employing a person as a private security guard, give preference to a person who has served as a member in one or more of the following, namely :—

- (i) Army ;
- (ii) Navy ;
- (iii) Air Force ;
- (iv) Any other armed forces of the Union ;
- (v) Police, including armed constabularies of the State, SPO's ; and
- (vi) Home Guards.

10. *Conditions of licence.*—The Government may, by notification, prescribe the conditions for grant of licence under the Act and such

conditions shall include requirements as to the training which the licensee is to undergo, details of the person or persons forming the agency, obligation as to the information to be provided from time to time to the controlling authority regarding any change in their address, change of management and also about any criminal charge made against them in the course of their performance of duties of the private security agency or as the case may be, a private security guard employed or engaged by them.

11. *Licence to be exhibited.*—A private security agency shall exhibit its licence or copy thereof in a conspicuous place of its business.

12. *Cancellation and suspension of licence.*—(1) The controlling authority may cancel any licence on any one or more of the following grounds, namely :—

- (a) that the licence has been obtained by misrepresentation or suppression of material facts ;
- (b) that the licence holder has used false documents or photographs ;
- (c) that the licence holder has violated the provisions of the Act or the rules made thereunder or any of the conditions of the licence ;
- (d) that the licence holder has misused information obtained by him during the discharge of his duties as the private security agency to any industrial or business undertaking or a company or any other person ;
- (e) that the licence holder by using any letter head, advertisement or any other printed matter or in any other manner represented that the private security agency is an instrumentality of the Government or such agency is or has been using a name different from that for which licence has been granted ;

- (f) that the licence holder is or has been impersonating or permitting or aiding or abetting any body to impersonate as a public servant ;
- (g) that the private security agency had failed to commence its activities or to engage a supervisor within the specified time period ;
- (h) that the licence holder is or has wilfully failed or refused to render the services agreed to any person ;
- (i) that the licence holder has done any act which is in violation of a court order or an order of a lawful authority or is or has been advising, encouraging or assisting any person to violate any such order ;
- (j) that the licence holder has violated the provisions of the laws mentioned in the schedule which may be modified by the Government from time to time by notification in the Government Gazette ;
- (k) that there have been repeated instances when the private security guard or guards provided by the private security agency—
 - (i) failed to provide private security or were guilty of gross negligence in not providing such security ;
 - (ii) committed a breach of trust or misappropriated the property or a part thereof which they were supposed to protect ;
 - (iii) were found habitually drunk or indisciplined ;
 - (iv) were found to be involved in committing crimes ; or
 - (v) had connived or abetted a crime against the person or property placed under their charge ; or

- (1) that the licence holder has done any act which poses a threat to national security or the security of the State, or did not provide assistance to the police or other authority in the discharge of its duties or acted in a manner prejudicial to security of the State or public order or law and order.

(2) Where the controlling authority, for reasons to be recorded in writing, is satisfied that pending the question of cancellation of licence on any of the grounds mentioned in sub-section (1), it is necessary to do so, it may, by order in writing, suspend the operation of the licence for such period not exceeding thirty days as may be specified in the order and require the licence holder to show cause, within fifteen days from the date of issue of such order, as to why the suspension of the licence should not be extended till the determination of the question of cancellation.

(3) Every order of suspension or cancellation of a licence shall be in writing and shall specify the reasons for such suspension or cancellation and a copy thereof shall be communicated to the person affected.

(4) No order of cancellation of licence under sub-section (1) shall be made unless the person concerned has been given a reasonable opportunity of being heard.

13. *Appeals*.—(1) Any person aggrieved by an order of the controlling authority refusing the licence under sub-section (3) of section 6 or renewal under sub-section (3) of section 7 or order of suspension of licence under sub-section (2) of section 12 or cancellation of licence under sub-section (1) of that section, may prefer an appeal against that order to the Administrative Secretary of the Home Department, within a period of sixty days of the date of such order :

Provided that an appeal may be admitted after the expiry of the said period of sixty days if the appellant satisfies the appellate authority

that he had sufficient cause not for preferring the appeal within that period.

(2) Every appeal under sub-section (1) shall be made in such form as may be prescribed and shall be accompanied by a certified copy of the order appealed against.

(3) Before disposing of an appeal, the appellate authority shall give the appellant a reasonable opportunity of being heard.

14. *Register to be maintained by a private security agency.—*

(1) A private security agency shall maintain a register containing—

- (a) the names and addresses of the persons managing the private security agency ;
- (b) the names, addresses, photographs and salaries of the private security guards and supervisors under its control including the name and particulars of the Scheduled Bank through which such salary is disbursed ;
- (c) the names and addresses of the persons whom it has provided private security guards or services ; and
- (d) such other particulars as may be prescribed.

(2) The controlling authority may call for such information as it considers necessary from any private security agency, supervisor or private security guard to ensure due compliance of the Act.

15. *Inspection of licensee, etc.*—The controlling authority or any other officer authorized by it in this behalf may at any reasonable time, enter the premises of the private security agency and inspect and examine the place of business, the records, accounts and other documents connected with the licence and may take copy of any document.

16. *Issue of photo identity card.*—(1) A private security guard and supervisor shall be issued a photo identity card by the private security agency employing or engaging the guard.

(2) The photo identity card under sub-section (1) shall be issued in such form as may be prescribed.

(3) A private security guard or supervisor shall carry on his person the photo identity card issued under sub-section (1) and shall produce it on demand for inspection by the controlling authority, a police officer or any other officer authorized by the controlling authority in this behalf.

17. *Disclosure of information to unauthorized persons.*—(1) Any person who is or has been employed or engaged as a private security guard or supervisor by any private security agency shall not divulge to anyone other than the employer, or in such manner and to such person as the employer directs, any information acquired by him during such employment with respect to the work which he has been assigned by such employer, except such disclosure as may be required under the Act or in connection with any inquiry or investigation by the police or as may be required by any authority or process of law.

(2) All private security guards and supervisors of a private security agency shall render necessary assistance to the police or to any other authority in the process of any investigation pertaining to the activities of that agency.

(3) If violation of any law is noticed by any private security guard or supervisor during the course of discharge of his duties, he shall bring it to the notice of his superior, who in turn shall inform the police either through his employer or agency or on his own at the earliest.

18. *Delegation.*—The Government may, by notification, direct that any power or function, except the powers to make rules under

section 26, which may be exercised or performed by it, or which may be exercised or performed by the controlling authority under the Act, may, in relation to such matter and subject to such conditions, as may be specified in the notification, be also exercised or performed by such officer or authority subordinate to the Government or to the controlling authority, as may be specified in such notification.

19. *Punishment for contravention of certain provisions.*—

(1) Any person who contravenes the provisions of section 4 shall be punishable with imprisonment for a term which may extend to one year, or with fine of not less than ten thousands rupees but which may extend to twenty-five thousand rupees, or with both.

(2) Any person or private security agency who contravenes the provisions of sections 8, 9 or 11 of the Act, shall be punishable with a fine of not less than five thousand rupees but which may extend to twenty-five thousand rupees, in addition to suspension or cancellation of the licence.

20. *Penalty for unauthorized use of certain uniforms.*—If any private security guard or supervisor wears the uniform of army, air force, navy or any other armed forces of the Union or police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he and the proprietor of the private security agency shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

21. *Offences by companies.*—(1) Where an offence under the Act is committed by a company, every person who at the time of commission of the offence was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished under the Act :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence

was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under the Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals ; and
- (b) “director”, in relation to a firm, means a partner in the firm.

22. *Offences by whom triable.*—Offences punishable under the Act shall be triable by a Judicial Magistrate of the First Class having jurisdiction in the place where the offence is committed.

23. *Offences to be cognizable.*—Every offence under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, Samvat 1989.

24. *Previous sanction of the controlling authority necessary in certain cases.*—No prosecution shall be instituted against any person in respect of offences under sections 4, 8, 9 and 21, without the previous sanction of the controlling authority.

25. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against the controlling authority or any other officer authorized by it in respect of anything done or intended to be done in good faith under the Act.

26. *Power of Government to make rules.*—(1) The Government may, by notification in the Government Gazette, make rules for carrying out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form of an application for grant of licence under sub-section (1) of section 6 ;
- (b) the form in which the licence to be granted under sub-section (4) of section 6 and conditions subject to which such licence to be granted under section 10 ;
- (c) the form of an application for renewal of licence under sub-section (1) of section 7 ;
- (d) the number of supervisors to be employed under sub-section (3) of section 8 ;
- (e) the procedure for verification of character and antecedents under clause (c) of sub-section (1) of section 9 ;
- (f) the type of training under clause (d) of sub-section (1) of section 9 ;
- (g) the physical standard under clause (e) of sub-section (1) of section 9 ;
- (h) other conditions under clause (f) of sub-section (1) of section 9 ;
- (i) the form under sub-section (2) of section 13 for preferring an appeal ;
- (j) particulars to be maintained in a register under sub-section (1) of section 14 ;

(k) the form in which photo identity card under sub-section (2) of section 16 be issued ;

(l) any other matter which is required to be, or may be, prescribed.

27. *Repeal and saving.*—(1) The Jammu and Kashmir Private Security Agencies (Regulation) Ordinance, 2015 (Ordinance No. II of 2015) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any order issued under the aforesaid Ordinance, shall be deemed to have been done, taken or issued under the corresponding provisions of this Act.

SCHEDULE

[See section 12(1)(J)]

- (1) The Payment of Wages Act, 1936 (Central Act No. 4 of 1936).
- (2) The Industrial Disputes Act, 1947 (Central Act No. 14 of 1947).
- (3) The Minimum Wages Act, 1948 (Central Act No. 11 of 1948).
- (4) The Jammu and Kashmir Employees Provident Funds
(and Miscellaneous Provisions) Act, 1961 (Act No. XV of 1961).
- (5) The Payment of Bonus Act, 1965 (Central Act No. 21 of 1965).
- (6) The Contract Labour (Regulation and Abolition) Act, 1970 (Central
Act No. 37 of 1970).
- (7) The Payment of Gratuity Act, 1972 (Central Act No. 39 of 1972).
- (8) The Equal Remuneration Act, 1976 (Central Act No. 25 of 1976).
- (9) The Inter-State Migrant Workmen (Regulation of Employment and
Conditions of Service) Act, 1979 (Central Act No. 30 of 1979).

STATEMENT OF OBJECTS AND REASONS

The Bill aims at providing a legal framework for regulating the functioning of the private security agencies including their licencing delicensing etc.

With the expansion of economy in the Country, a large number of private business enterprises have come up in the State which has increased the demand for security, resulting in proliferation of private security agencies. Although, these private security agencies have helped in meeting the security needs, yet their unregulated activities can have serious security implications.

Therefore, there is a need to have a law for regulating the functioning of these private security agencies.

Yours faithfully,

CHIEF MINISTER
MINISTER INCHARGE HOME.

**STATEMENT NECESSITATING THE PROMULGATION
OF ORDINANCE**

1. The Government of India enacted the Private Security Agencies (Regulation) Act, 2005. While enacting this law, the Government of India requested the State/Union Territories Governments to give wide publicity to the contents of the said law and establish the requisite framework as prescribed in order to make the above law operational. The aforesaid Act, is however, not applicable to the State of Jammu and Kashmir.

2. The Jammu and Kashmir Private Security Agencies (Regulation) Bill, 2013 introduced in the Budget Session, 2013 of the State Legislature lapsed with completion of the term of the Eleventh Legislative Assembly.

3. Since the Legislature was not in session and considering that the enactment of a related law in the State had got inordinately delayed and the advice of the Central Government for implementing the law in the State, it was felt expedient to bring out legislation on the subject through an Ordinance.

4. The Jammu and Kashmir Private Security Agencies (Regulation) Ordinance, 2015 (Ordinance No. II of 2015) notified in the Government Gazette on 31st August, 2015 provides for the regulation of Private Security Agencies which are in operation in the Jammu and Kashmir and for the matter connected therewith or incidental thereto.

5. A Bill titled The Jammu and Kashmir Private Security Agencies (Regulation) Ordinance, 2015 has been introduced in the State Legislature to replace the said Ordinance.

CHIEF MINISTER

MINISTER INCHARGE HOME.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Section 26 of the proposed Bill provides for making rules for carrying out the provisions of the Ordinance.

Power to frame Rules/Regulations under an enactment of the State Legislature by means of Delegated Legislation/Subordinate Legislation is in the exclusive domain of the Government. The Government can make rules for carrying out the object/purposes of the enactment under section 26 of the Bill referred to above.

CHIEF MINISTER

MINISTER INCHARGE HOME

FINANCIAL MEMORANDUM

The Jammu and Kashmir Private Security Agencies (Regulation) Bill, 2015.

The sub-section (1) of section 3 of the proposed Bill envisages designation of an officer not below the rank of Special Secretary to Government to be the controlling authority for the purpose of this Ordinance. Further, sub-section (2) of section 3 stipulates provision of staff for the office of the controlling authority, to enable it to discharge its functions efficiently. Accordingly, it has been envisaged that the charge of the controlling authority would be assigned to one of the officers in the Home Department, not below the rank of Special Secretary. Further, certain subordinate staff is required as per the details at Annexure, involving financial implication of about Rs. 4.75 lakh.

CHIEF MINISTER

MINISTER INCHARGE HOME.

RECOMMENDATION OF THE GOVERNOR

The Governor has in pursuance of sub-section (1) and (3) of Section 84 of the Constitution of Jammu and Kashmir recommended to the Jammu and Kashmir Legislative Assembly the introduction and consideration of the Bill.

(Sd.) **M. RAMZAN,**

Secretary.